

Hearing Date and Time: October 25, 2023 at 10:00 a.m. (prevailing Eastern Time)
Objection Deadline: September 29, 2023 at 5:00 p.m. (prevailing Eastern Time)

FLORENCE ROSTAMI LAW, LLC
420 Lexington Avenue, Suite 1402
New York, New York 10170
T (212) 209-3962
F (212) 209-7100
Florence Rostami
frostami@rostamilaw.com
Attorneys for Creditors Ornrat Keawsri et.al.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

MIHO MAKI,

Debtor.

Chapter 7

Case No. 23-10978-mg

**MOTION OF CREDITORS ORNRAT KEAWSRI ET AL. FOR AN ORDER
EXTENDING THEIR TIME TO OBJECT TO DISCHARGEABILITY OF THE DEBT
OR DISCHARGE**

Creditors Ornrat Keawsri, Sachina Nagae, Takayuki Sekiya, Siwapon Topon, Pimparat Ketchatrot, Thiratham Raksuk, Parichat Kongtuk, Tanon Leechot, Thanatharn Kulaptip, Wanwisa Nakwirot, Natcha Natatpisit, and Parada Mongkolkajit (collectively, “**Creditors**”)¹ as and for their motion for an order extending their time to file (a) an objection to dischargeability of Debtor Miho Maki’s (“**Maki**”) debt owed to Creditors pursuant to 11 U.S.C. § 523(a)(6) and Fed. R. Bankr. P. 4007, or (b) an objection to Maki’s discharge pursuant to 11 U.S.C. § 727 and Fed. R. Bankr. P. 4004 from September 18, 2023 to, through, and including November 21, 2023, respectfully represent as follows:

1. The background facts related to this motion are set forth in the accompanied declaration of Florence Rostami (“**Decl.**”).

¹ All capital terms not defined herein have the meaning ascribed to them in the declaration of Florence Rostami.

2. On or about August 29, 2023, Yasuko, proposed a settlement of all matters related to Creditors' and other creditors' claims against the Negitas, RYI and Maki, which settlement would resolve the bankruptcy filings of Maki and RYI in this Court. Parties including the Chapter 7 Trustee have reached an agreement in principle to the terms of the settlement, and counsel for the respective parties are actively engaged in completing this settlement process. [Decl. ¶ 11]

3. If the settlement agreed to by the parties and the Chapter 7 Trustee is completed and becomes effective, it will fully address the obligations of Maki and RYI to their creditors, including Creditors and will obviate the need for further proceedings in this matter. [Decl. ¶ 11]

4. It is anticipated that the settlement will be finalized sometime in mid-November. [Decl. ¶ 12]

5. The final date for Creditors to file an adversary complaint in this matter is Monday, September 18, 2023. [Decl. ¶ 14]

6. On September 5 and 9, 2023, counsel for Creditors contacted Pick by email to advise him of the potential resolution of all matters relating to claims against Maki and RYI and asked him to file the documents required to extend Creditors' time to file objections to dischargeability of Maki's debt and discharge pursuant to 11 U.S.C. §§ 523 and 727. until November 21, 2023. Pick has not filed the documents requested of him nor has he even acknowledged receipt of the communication and request. [Decl. ¶ 16]

7. The deadline to file objections pursuant to 11 U.S.C. §§ 523 and 727 has not passed.

8. Creditors will be prejudiced if they are not provided the requested extension, since in the event that subsequent to September 18, 2023 the settlement fails, Creditors would be foreclosed from commencing an adversary proceeding to interpose objections to Maki's debt and discharge pursuant to 11 U.S.C. §§ 523 and 727. [Decl. ¶ 17]

9. The failure of Pick, counsel for Maki in this proceeding and for RYI in Case No. 23-10979-mg, to communicate with Creditors' counsel and to respond to the request for him to file with this Court documents confirming consent to the requested extension has the potential of jeopardizing the settlement presently being advanced in the NJ Bankruptcy Court, which settlement will inure to the benefit of Maki and RYI (his clients) as well as the Negitas.

Conclusion

10. For all the reasons set forth herein, Creditors respectfully request that this Court grant an extension of the deadline for Creditors to file objections to Maki's debt and discharge pursuant to 11 U.S.C. §§ 523 and 727 to, through, and including November 21, 2023, and grant Creditors such other and further relief as may be just and appropriate.

Dated: New York, New York
September 15, 2023

Respectfully submitted,

FLORENCE ROSTAMI LAW LLC

By: /s/ Florence Rostami
Florence Rostami

frostami@rostamilaw.com

420 Lexington Avenue, Suite 1402

New York, New York 10170

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Attorneys for Creditors Ornrat Keawsri et. al.